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Motion papers

Filed Oct 13, 1896



In the Supreme Court of the United States

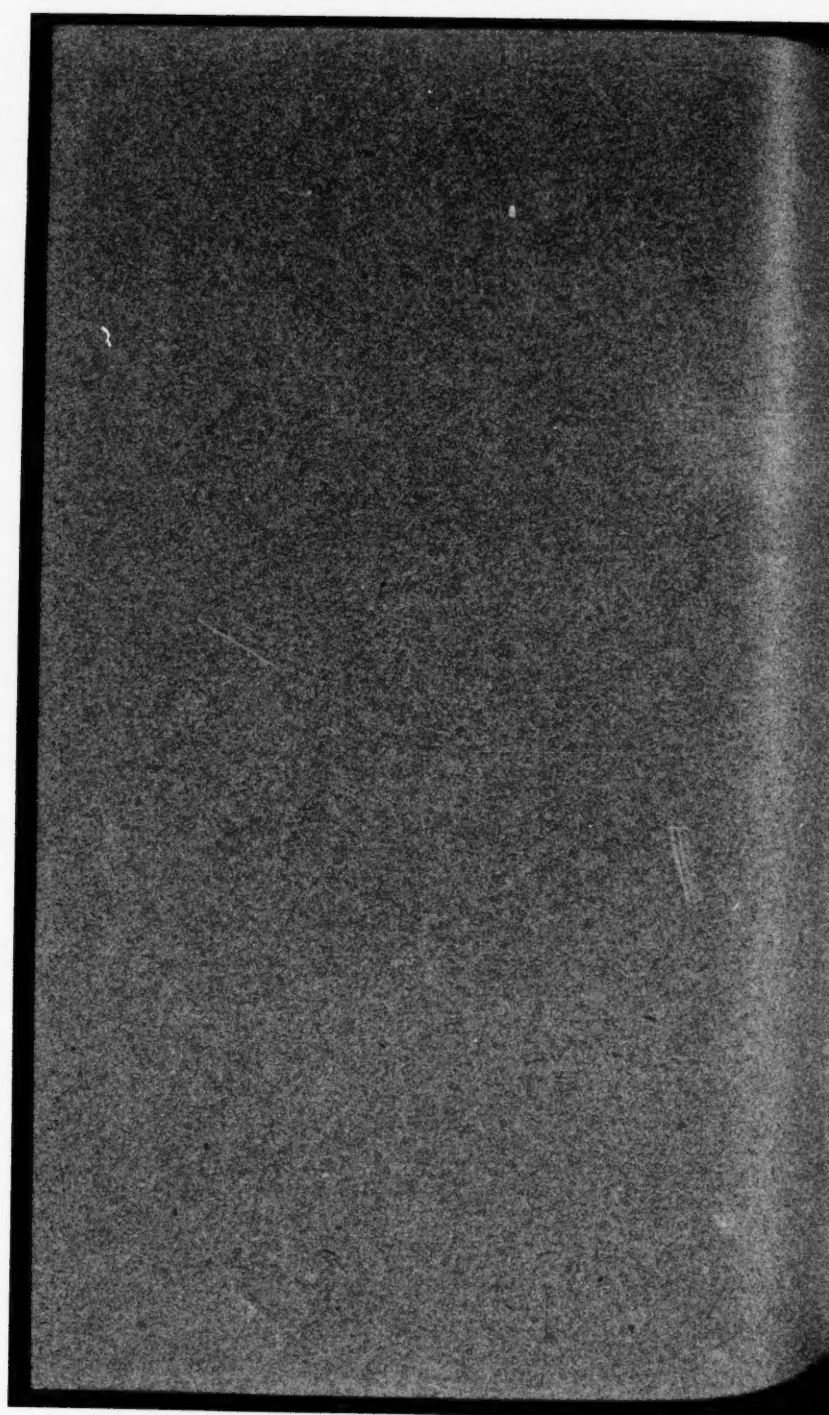
October Term, 1896

THE INTERSTATE COMMERCE COMMISSION,
appellant,

v.
THE ALABAMA MIDLAND RAILWAY COM-
pany et al.

} No. 563.

MOTION TO ADVANCE



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THE INTERSTATE COMMERCE COMMISSION,	}	No. 563.
appellant,		
v.		
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MOTION TO ADVANCE.

The Solicitor-General, at the request and on behalf of the appellant in the above-entitled cause, respectfully moves the court to advance the same on the docket for hearing during the present term.

The case presents more definitely the questions which arise under section 4 of the act to regulate commerce, known as the "Long and short haul clause," than any other case which has been before the court.

It also presents clearly the question as to the authority of the Interstate Commerce Commission, in a case before it, on issue joined, and after due consideration of all material facts, to find what is a reasonable rate to be charged by a carrier and to order its adoption.

The Commission and its attorneys, on the one hand, and the carriers and their attorneys, on the other hand, differ in their construction of what is said by this court in the case of *Texas and Pacific Railway Company v. Interstate Commerce Commission* (162 U. S., 196), on the question as to the power of the Commission to prescribe a reasonable rate. This is a fundamental matter, and it is important to the carriers, the Commission, and the public generally that it be speedily and definitely settled.

Counsel for the appellees, Mr. Ed. Baxter, concurs in this motion, and suggests that if the case shall be advanced, a date about the middle of January, 1897, for its hearing would suit all counsel concerned, if agreeable to the court.

HOLMES CONRAD,
Solicitor-General.

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